

**IDAHO BOARD OF MORTICIANS**  
**Bureau of Occupational Licenses**  
700 West State Street, P.O. Box 83720  
Boise, ID 83720-0063

**Board Meeting Minutes of 1/15/2019**

**BOARD MEMBERS PRESENT:** Craig L Geary - Chair  
James R. Sommer  
Steve Gordon

**BUREAU STAFF:** Kelley Packer, Bureau Chief  
Dawn Hall, Deputy Bureau Chief  
Julie Eavenson, Administrative Support Manager  
Lori Peel, Investigative Unit Manager  
Maurie Ellsworth, General Counsel  
Rob McQuade, Legal Counsel  
Dicsie Gullick, Management Assistant

**OTHERS PRESENT:** Eric English, Licensed Mortician  
Rose Thomas, Funeral Consumers Alliance of ID  
Charles Bonney, Funeral Consumers Alliance of ID

The meeting was called to order at 9:00 AM MST by Craig L Geary.

**APPROVAL OF MINUTES**

Mr. Gordon made a motion to approve the minutes of October 30, 2018 and December 6, 2018. It was seconded by Mr. Sommer. Motion carried.

**FINANCIAL REPORT**

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of \$51,262.13 as of December 31, 2018.

**DISCIPLINE**

Mr. Nelson presented a memorandum regarding case number MOR-2019-1. After discussion, the Board gave recommendations for appropriate discipline.

Mr. Nelson presented a memorandum regarding case number MOR-2018-3. Mr. Gordon made a motion to close the case with an advisory letter. It was seconded Mr. Sommer. Motion carried.

Mr. Nelson presented a Stipulation and Consent Order in case MOR-2018-1. Mr. Sommer made a motion to approve the Consent Order and allow the Board Chair to

sign on behalf of the Board. Discussion was tabled until Mr. Ellsworth could join the discussion.

### **INVESTIGATIVE REPORT**

Ms. Peel gave the investigative report, which is linked above.

### **FOR BOARD DETERMINATION**

Mr. Sommer made a motion to approve the Bureau's recommendation and authorize closure in case I-MOR-2019-1. It was seconded by Mr. Gordon. Motion carried.

### **OLD BUSINESS**

The Board reviewed the To Do List and no action was taken.

### **NEW BUSINESS**

**NEXT MEETING** was scheduled for July 9, 2019 at 9:00 AM MDT.

### **PUBLIC COMMENT**

Mr. English addressed the Board regarding Certificates of Authority within the state of Idaho. The specific questions were whether or not a Certificate of Authority is needed in order to service a pre-need contract, and if the Board would address compliance with the licensees and Idaho Funeral Director Association.

Mr. English addressed the fact that only crematories are inspected, not funeral homes. He would like the Board to inspect all facilities, not just those with crematories.

Mr. English also brought up the fact that an online cremation provider is advertising and selling cremation within the state of Idaho without being licensed. He asked that the Board act on the deceptive advertising and unlicensed practice of the online cremation provider. Mr. Ellsworth stated that the Attorney General's office had been made aware of situation, but the Board could revisit it at a later meeting.

### **DISCUSSION REGARDING CONTINUING EDUCATION WEB PAGE**

Ms. Hall presented the Board with a draft of the continuing education page from the Board's webpage. Mr. Gordon made a motion to approve and post the changes as proposed. It was seconded by Mr. Sommer. Motion carried.

### **DISCUSSION REGARDING CONTINUING EDUCATION WAIVER**

The Board discussed how continuing education waivers should be handled between Board meetings. Mr. Sommer made a motion to allow the Board Chair to approve continuing education waivers between meetings. It was seconded by Mr. Gordon. Motion carried.

## **EXECUTIVE SESSION**

Mr. Sommer made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the executive session was to consider license application materials. It was seconded by Mr. Gordon. The vote was: Mr. Sommer, aye; Mr. Gordon, aye; and Mr. Geary, aye. Motion carried.

Mr. Gordon made a motion to come out of executive session. It was seconded by Mr. Sommer. The vote was: Mr. Sommer, aye; Mr. Gordon, aye; and Mr. Geary, aye. Motion carried.

## **DISCIPLINE**

The Board continued the tabled discussion regarding MOR-2018-1 from earlier. The respondent, Mr. English, spoke to the Board regarding the discipline and asked if the Board could align renewal dates between personal licenses and establishment licenses. Mr. Sommer made a motion to accept the stipulation and authorize the Board Chair to sign. It was seconded by Mr. Gordon. Motion carried.

## **INTRODUCTIONS**

Ms. Packer and Mr. McQuade were introduced to the Board.

## **PROPOSED LAWS/RULES**

The Board discussed possible law and rule changes. A subcommittee consisting of Mr. Geary was set up to work with Mr. McQuade to draft law and/or rule changes for the 2020 Legislature. A conference call was set for May 7, 2019 at 2:00 PM MDT to discuss the draft changes.

## **LEGISLATIVE REPORT**

Ms. Packer gave the legislative update and said that the deadline for the submission of rule changes is mid-July and the deadline for statute changes is mid-August. She went on to remind the Board that the rule changes currently before the Legislature would be heard in the House Business Committee at 1:00 PM today.

## **BOARD TRAINING**

Mr. Ellsworth presented the Board with training on the Open Meeting Law.

## **APPLICATIONS**

Mr. Gordon made a motion to approve the following for licensure pending inspection:

901163152  
901163788  
901163788

It was seconded by Mr. Sommer. Motion carried.

## **CORRESPONDENCE**

Mr. Gordon made a motion to direct Bureau staff to respond to Ms. Mikesell as discussed. It was seconded by Mr. Sommer. Motion carried.

## **ADJOURNMENT**

Mr. Gordon made a motion to adjourn the meeting at 11:47 AM MST. It was seconded by Mr. Sommer. Motion carried.

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Craig L Geary, Chair

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James R. Sommer

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Steve Gordon

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Kelley Packer, Bureau Chief